

LR2-Form 708. Notice and Order authorizing STEPS.

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

STATE OF NEW MEXICO,
Plaintiff,

CR _____

v.

DA # _____

_____,
Defendant

NOTICE AND ORDER AUTHORIZING STEPS

1. **Voluntary participation.** Participation in STEPS is voluntary.
2. **Consent to sanctions.** By choosing to participate in STEPS, you consent to the imposition of automatic sanctions for a technical violation of the conditions of probation and waive any right to either contest the alleged technical violation or to a Rule 5-805 NMRA hearing on the technical violation.
3. **Technical violations defined.** Technical violations include the following acts or events:
 - a. urine tests positive for drugs, including spice and pep, or alcohol if prohibited by order of probation, except where disallowed by the judge _____. [*If this line is initialed by the judge, urine tests that are positive for drugs or alcohol **do not** qualify as technical violations and instead will result in a Rule 5-805 NMRA revocation hearing.*]
 - b. possessing alcohol if prohibited by order of probation;
 - c. missing a counseling appointment or group session;
 - d. missing a community service appointment;
 - e. missing an educational appointment;
 - f. failing to inform the probation officer of a traffic citation received;
 - g. moving without prior permission from the probation officer; and
 - h. any other violations other than a new criminal offense.
4. **Sanctions.** Sanctions for technical violations are as follows:
 - a. first violation: three (3) days of community service;
 - b. second violation: five (5) days of community service;
 - c. third violation: seven (7) days in jail; and
 - d. fourth violation: no bond hold, possible removal from STEPS after hearing, and immediate referral to the second judicial district court for a hearing subject to the provisions of Rule 5-805(D)-(L) NMRA.

The imposition of any sanction under this section by probation and parole requires a

probation and parole supervisor's approval.

5. **Failure to complete community service.** If you fail to complete any part of the community service imposed under Paragraph 4 of this Notice and Order, you shall be incarcerated for the balance of time remaining under the sanction.

6. **Additional sanctions for same violation prohibited.** Once sanctions under STEPS are imposed, you will not be subject to further probation violation sanctions on the same probation violation, unless you fail to comply with the imposed sanctions.

7. **Court's authority retained.** At any incremental sanction level, the second judicial district court retains its authority to elect to proceed with the hearing procedures outlined in Rule 5-805(D)-(L) NMRA, which could result in your removal from STEPS.

8. **It is your responsibility to immediately provide a signed copy of this Notice and Order Authorizing STEPS to probation and parole.** STEPS shall not be authorized without a copy of this form being provided to probation and parole.

9. **STEPS authorized.** STEPS is hereby authorized in this case.

IT IS SO ORDERED.

District Court Judge

I hereby acknowledge that I understand the STEPS requirements. By signing this form, I am indicating that I have chosen to participate in the STEPS program.

Defendant

Attorney for Defendant

Copy provided to:
District Attorney's Office
Defendant's Counsel
Defendant

[Adopted by Supreme Court Order No. 16-8300-015, effective for all cases pending or filed on or after December 31, 2016.]